

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

HILLCREST BANK,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	Case No. 10-cv-00967-DGK
)	
JACK H. CORDSEN, <i>et al.</i> ,)	
)	
Defendants/Counterclaimants.)	

SUGGESTIONS IN SUPPORT OF MOTION TO SUBSTITUTE PARTY PLAINTIFF

COMES NOW Hillcrest Bank, N.A. (the "Acquiring Bank"), and for its suggestions in support of its Motion To Substitute Party Plaintiff, states:

1. This action was commenced on October 4, 2010, by Hillcrest Bank, a state bank (the "State Bank") to recover upon various loans and guaranties executed by Defendants. *See Docket No. 1.*

2. On October 22, 2010, the State Bank was closed by regulatory authorities and certain of its assets, including the subject loans and guaranties, were transferred to the Acquiring Bank by the Federal Deposit Insurance Corporation (the "FDIC"), as receiver of the State Bank. The purchase agreement is a public record of the FDIC. *See* http://www.fdic.gov/bank/individual/failed/hillcrest_ks.html.

3. Pursuant to Rule 25(c), Fed. R. Civ. P., the Court may substitute a party following the transfer of an interest in a pending action and the action may thereafter be continued by the substituted party.

4. Because of this transfer of interest in the loans and guaranties that are the subject of this action to the Acquiring Bank, the Acquiring Bank seeks to be substituted as the plaintiff in this action.

5. The Acquiring Bank does not hereby assume any liability for the counterclaims brought by Defendants against the State Bank in the answer and counterclaims filed by Defendants on November 24, 2010, after the closing of the State Bank. *See Docket No. 15.*

Respectfully submitted,

STINSON MORRISON HECKER LLP

By /s/ Mark S. Carder
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ATTORNEYS FOR HILLCREST BANK, N.A.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served upon Defendants via ECF notification to their counsel of record, David L. Zeiler of Mitchell & Associates, L.C., 1600 N.E. Coronado Drive, Ste. 242, Blue Springs, Missouri 64014, and upon Hillcrest Bank via ECF notification to its counsel of record, Kelly A. Campbell of Spencer Fane Britt & Browne LLP, 1000 Walnut Street, Ste. 1400, Kansas City, Missouri 64106-2140 on this 10th day of December, 2010.

 /s/ Mark S. Carder
Attorney for Hillcrest Bank, N.A.